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9-18-1987

# Limits On Tort Claims And Attorney Fees.

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Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814


#409

Elections Division  
(916) 445-0820  
TDD: (800) 833-8683

October 9, 1987

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS  
AND PROPONENTS (8779)

FROM:

  
DEBORAH SEILER  
Assistant to the Secretary of State  
Elections and Political Reform

The proponents of the hereinafter named proposed CONSTITUTIONAL AMENDMENT AND INITIATIVE STATUTE have withdrawn the measure.

TITLE: LIMITS ON TORT CLAIMS AND ATTORNEY FEES.  
CONSTITUTIONAL AMENDMENT AND INITIATIVE STATUTE.

SUMMARY DATE: September 18, 1987

PROPONENTS: Kirk West  
Gene Livingston

DS/lgw

W.INIT



Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

Elections Division  
(916) 445-0820  
TDD: (800) 833-8683

September 18, 1987

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (8774)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

LIMITS ON TORT CLAIMS AND ATTORNEY FEES.  
CONSTITUTIONAL AMENDMENT AND INITIATIVE STATUTE.

Circulating and Filing Schedule

1. Minimum number of signatures required.....595,485.  
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date.....Friday, 09/18/87  
Elec. C., Sec. 3513.
3. Petition Sections:
  - a. First day Proponents can circulate Sections for  
signatures.....Friday, 09/18/87  
Elec. C., Sec. 3513.
  - b. Last day Proponents can circulate and file with  
the county. All Sections are to be filed at  
the same time within each  
county.....Tuesday, 02/16/88\*  
Elec. C., Secs. 3513, 3520(a).
  - c. Last day for county to determine total number  
of signatures affixed to petition and to  
transmit total to the Secretary of State.....Tuesday, 02/23/88

(If the Proponents file the petition with the county on a date prior to 02/16/88, the county has five working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

\* Date adjusted for official deadline which falls on a holiday.  
Elec. C., Sec. 60.

+ PLEASE NOTE: To the Proponents who may wish to qualify for the June 7, 1988 Primary Election. The law allows approximately 71 days for county election officials to check and report petition signatures and transmit results. The law also requires that this process be completed 131 days before the election in which the people will vote on the initiative. It is possible that the county may not need precisely 71 days. But if you want to be sure that this initiative qualifies for the June 7, 1988 Primary Election, you should file this petition with the county before November 19, 1987.

LIMITS ON TORT CLAIMS AND ATTORNEY FEES.  
CONSTITUTIONAL AMENDMENT AND INITIATIVE STATUTE.

Page 2

September 18, 1987

- d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties.....Tuesday, 03/01/88\*\*

- e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State.....Wednesday, 03/16/88

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 02/23/88 the last day is not later than the fifteenth day after the county's receipt of notification.)  
Elec. C., Sec. 3520(d), (e).

- f. If the signature count is more than 655,033 or less than 535,937, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 535,937 and 655,033 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures.....Thursday, 03/24/88\*\*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State.....Saturday, 04/23/88

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 03/16/88, the last day is not later than the thirtieth day after county's receipt of notification.)  
Elec. C., Sec. 3521(b), (c).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient.....Tuesday, 04/26/88

\*\*Date varies based on receipt of county certification.

LIMITS ON TORT CLAIMS AND ATTORNEY FEES.  
CONSTITUTIONAL AMENDMENT AND INITIATIVE STATUTE.

Page 3

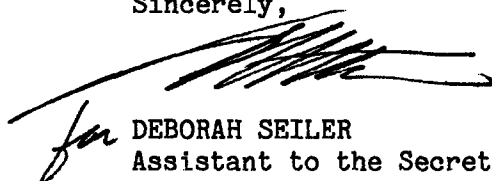
September 18, 1987

4. The Proponents of the above named measure are:

Kirk West  
California Chamber of Commerce  
P.O. Box 1736  
Sacramento, California 95808  
(916) 444-6670

Gene Livingston  
Association for California Tort Reform  
1130 K Street, Suite 250  
Sacramento, California 95814  
(916) 442-1111

Sincerely,

A handwritten signature in dark ink, appearing to read "for DEBORAH SEILER". The signature is stylized with multiple overlapping strokes.

DEBORAH SEILER  
Assistant to the Secretary of State  
Elections and Political Reform

NOTE TO PROPONENTS: Your attention is directed to Elections Code Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate format and type considerations in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code Section 81000 et seq.

Attachment: POLITICAL REFORM ACT OF 1974 REQUIREMENTS

09/18/87

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511  
P.O. BOX 944255  
SACRAMENTO 94244-2550  
(916) 445-9555

September 18, 1987

Honorable March Fong Eu  
Secretary of State  
1230 J Street  
Sacramento, CA 95814

Dear Mrs. Eu:

Initiative Title and Summary.  
Our File No.: SA87RF0017

Pursuant to the provisions of section 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponents, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the names and addresses of the proponents are as stated on the declaration of mailing.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

  
N. EUGENE HILL

Assistant Attorney General

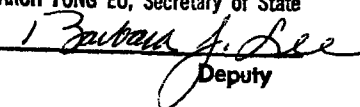
NEH:js

Enclosure

6409  
**FILED**  
In the office of the Secretary of State  
of the State of California

SEP 18 1987

MARCH FONG EU, Secretary of State

By  Deputy

6489  
Date: September 18, 1987  
File No.: SA 87 RF 0017

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

LIMITS ON TORT CLAIMS AND ATTORNEY FEES. CONSTITUTIONAL AMENDMENT AND INITIATIVE STATUTE. Limits attorney contingency fees for tort claim recoveries. Reduces some recoveries by net amount of benefits received from "collateral" sources like health insurance. Requires proof beyond reasonable doubt for punitive damages. Limits liability of manufacturers and sellers of products having inherent and recognizable, unsafe aspects. Limits liability of volunteer directors of nonprofit, public service corporations with exceptions. Requires two-thirds vote of Legislature to amend measure; amends Constitution to require same vote to amend certain other laws regulating medical malpractice attorney fees and recoveries. Makes findings and other changes. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure contains features which could result in both cost increases and savings to state and local governments. If the measure reduces liability and results in smaller or fewer awards against such entities savings could occur by virtue of reduced court costs, fewer awards and/or a reduction in the amount of such awards. On the other hand, additional costs could be incurred, as for example, when injured parties place greater reliance on governmental programs such as medical or other social service programs. However, based on information available, the fiscal magnitude of these changes and their net fiscal impact cannot be estimated. Therefore, the net fiscal impact on state and local governments is unknown.

**SECTION 1.           TITLE.**

          This shall be known as the Fair Liability Act of 1988.

**SECTION 2.           FINDINGS AND DECLARATION.**

          Californians are required to bear the cost of an increasingly expensive liability system. Expanding costs are caused by the ever-growing number of lawsuits filed, the increasing size of judgments awarded, and the exorbitant fees that attorneys charge.

          The number of tort lawsuits filed has increased at a rate three times greater than the growth of California's population since 1974. Many of these lawsuits are unmeritorious, yet impose costs to process and to litigate.

          The amount of judgments awarded have increased at a significantly greater rate than the rate of inflation.

          Attorneys in most tort actions charge a percentage of the judgment. Fees of 40% and even more may be charged. These



fees motivate many attorneys to file lawsuits that are of questionable merit.

California taxpayers pay five hundred dollars (\$500.00) for every lawsuit filed whether meritorious or not. Taxpayers pay an additional eight thousand dollars (\$8,000.00) for every lawsuit tried, whether meritorious or not.

Californians pay more for governmental services, consumer products and services, and for insurance because of the high cost of the liability system. Further, the high cost of the liability system reduces the availability of services, including volunteer services, products, and insurance.

Legislation enacted in 1975 to reduce the number of lawsuits, the size of judgments, and attorney charges in health care cases reduced the growth in the cost of health care liability, benefitting all Californians.

### **SECTION 3.        PURPOSE.**

The people enact the following provisions to reduce the growth in the cost of California's liability system by

reducing the number of lawsuits, the size of judgments, and attorney charges.

**SECTION 4.        LIMIT ATTORNEY FEES.**

Section 6146.1 of the Business and Professions Code is added to read:

(a) An attorney shall not contract for or collect a contingency fee in connection with a tort claim in excess of the following limits:

- (1)        Thirty-three and one-third percent of the first one hundred thousand dollars (\$100,000) recovered.
- (2)        Twenty-five percent of the next one hundred thousand dollars (\$100,000) recovered.
- (3)        Ten percent of the amount of recovery above two hundred thousand dollars (\$200,000).

The limitations shall apply regardless of whether the recovery is by settlement, arbitration, or judgment.

(b) The court, in any action filed seeking damages based on a tort claim, may on its motion, or on the motion of a party, review the contingency fee arrangement upon notice and hearing to determine whether the fee is reasonable and fair and may order a fee less than the amount set out in subdivision (a). The fee ordered by the court shall not exceed the amount set out in subdivision (a).

(c) If periodic payments are awarded to the plaintiff pursuant to Section 667.7 of the Code of Civil Procedure, the court shall place a total value on these payments based upon the projected life expectancy of the plaintiff and include this total amount in computing the award from which attorney's fees are calculated under this section.

(d) For purposes of this section, "recovered" means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and the attorney's office-overhead costs or charges are not deductible disbursements or costs for such purpose.

(e) The provisions of this section shall not be amended by the Legislature except by statute passed in each

house by roll call vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electorate.

**SECTION 5.            PROHIBIT DOUBLE PAYMENTS.**

Section 3333.4 of the Civil Code is added to read:

(a) In those tort actions described in subdivision (d), a defendant may present, out of the presence of the jury, evidence of collateral benefits paid or payable to plaintiff from any source for past and future economic losses. If a defendant introduces such evidence, the plaintiff may present evidence of the direct monetary cost to plaintiff to secure the collateral benefit. The court shall reduce the amount of a judgment for plaintiff by the amount of the collateral benefits less the costs for the collateral benefit.

(b) A collateral benefit shall include any insurance, except life insurance, and any benefit program, except those under the Medi-Cal program. A collateral benefit shall not include gifts.

(c) No source of collateral benefits reducing the judgment pursuant to subdivision (a) shall recover the amount of the reduction against the plaintiff nor shall it be subrogated to the rights of the plaintiff against a defendant.

(d) This section shall apply to all tort actions except intentional tort actions and those actions to which Section 3333.1 of the Civil Code applies. The purpose of this section is to assure full compensation for economic losses but to prohibit double recovery.

(e) In any settlement between parties to a tort action described in subdivision (d), collateral benefits paid or payable to the plaintiff and specified in the settlement shall not be recovered by any source of said benefits against the plaintiff nor shall they be subrogated to the rights of the plaintiff against a defendant.

(f) The provisions of this section shall not be amended by the Legislature except by statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electorate.

**SECTION 6.            STRICT RULE OF EVIDENCE.**

Section 3294 of the Civil Code is amended to read:

(a) In an action for the breach of an obligation not arising from contract, where it is proven beyond a reasonable doubt that the defendant has been guilty of oppression, fraud or malice, the plaintiff, in addition to the actual damages, may recover damages for the sake of example and by way of punishing the defendant.

(b) An employer shall not be liable for damages pursuant to subdivision (a), based upon acts of an employee of the employer, unless the employer had advance knowledge of the unfitness of the employee and employed him or her with a conscious disregard of the rights or safety of others or authorized or ratified the wrongful conduct for which the damages are awarded or was personally guilty of oppression, fraud, or malice. With respect to a corporate employer, the advance knowledge and conscious disregard, authorization, ratification or act of oppression, fraud, or malice must be on the part of an officer, director, or managing agent of the corporation.

(c) As used in this section, the following definitions shall apply:

- (1) "Malice" means conduct which is intended by the defendant to cause injury to the plaintiff or conduct which is carried on by the defendant with a conscious disregard of the rights or safety of others.
- (2) "Oppression" means subjecting a person to cruel and unjust hardship in conscious disregard of that person's rights.
- (3) "Fraud" means an intentional misrepresentation, deceit, or concealment of a material fact known to the defendant with the intention on the part of the defendant of thereby depriving a person of property or legal rights or otherwise causing injury.

(d) Damages may be recovered pursuant to this section in an action pursuant to Section 377 of the Code of Civil Procedure or Section 573 of the Probate Code based upon a death which resulted from a homicide for which the defendant has been convicted of a felony, whether or not the decedent died instantly or survived the fatal injury for some period of time. The procedures for joinder and consolidation contained

in Section 377 of the Code of Civil Procedure shall apply to prevent multiple recoveries of punitive or exemplary damages based upon the same wrongful act.

(e) The provision of this section requiring proof beyond a reasonable doubt shall not be amended by the Legislature except by statute passed in each house by roll call entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electorate.

#### **SECTION 7. RESPONSIBLE USE OF PRODUCTS.**

Section 1714.45 of the Civil Code is added to read:

(a) In any civil action against a manufacturer or seller for loss or injury caused by a product, a manufacturer or seller shall not be liable if the loss or injury was caused by an unsafe aspect of the product that is an inherent characteristic of the product that would be recognized by the ordinary person who uses or consumes the product with the ordinary knowledge common to the community.



(b) The provisions of this section shall not be amended by the Legislature except by statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electorate.

**SECTION 8. PROTECTION FOR VOLUNTEERS.**

Section 5047.5 of the Corporations Code is added to read:

(a) A director or officer of a nonprofit, public service corporation who serves without compensation shall not be liable for acts or omissions taken in good faith as a director or officer except as provided in subdivision (b).

(b) This section shall not limit the liability of the corporation. Notwithstanding subdivision (a), a director or officer shall be liable for:

(1) Personally operating a motor vehicle negligently.

(2) Willful misconduct with intent to inflict injury.

- (3) An action brought by the Attorney General.
- (4) Deriving an improper economic benefit or engaging in improper self dealing as set out in sections 5233, 5237, 7233, and 7236 of the Corporations Code as of January 1, 1987.

(c) For purposes of this section:

- (1) A "nonprofit, public service corporation" is a public benefit or mutual benefit corporation that is also exempt from federal income taxes under sections 501(c)(3), (6), or (19) of the Internal Revenue Code.
- (2) "Compensation" does not include the payment of expenses by either a per diem payment or reimbursement of actual expenses.

(d) The provisions of this section shall not be amended by the Legislature except by statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electorate.

**SECTION 9.           AMENDMENTS.**

Section 3333.3 of the Civil Code is added to read:

The provisions enacted by Statute of 1975, Second Extraordinary Session, Chapter 1 and currently codified in Section 3333.1 and Section 3333.2 of the Civil Code shall not be amended by the Legislature except by statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring.

**SECTION 10.         AMENDMENTS.**

Section 667.8 of the Code of Civil Procedure is added to read:

The provisions enacted by Statute of 1975, Second Extraordinary Session, Chapter 1 and currently codified in Section 667.7 of the Code of Civil Procedure shall not be amended by the Legislature except by statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring.

**SECTION 11.      AMENDMENTS.**

Section 6146.2 of the Business and Professions Code is added to read:

The provisions enacted by Statute of 1975, Second Extraordinary Session, Chapter 1 and currently codified in Section 6146 of the Business and Professions Code shall not be amended by the Legislature except by statute passed in each house by roll call entered in the journal, two-thirds of the membership concurring.

**SECTION 12.      SEVERABILITY.**

If any provision or part of this measure is held invalid, that invalidity shall not affect other provisions or applications of the measure which can be given effect without the invalid provision, part or application, and to this end, the provisions and parts of this initiative are severable.

DECLARATION OF MAILING

The undersigned Declarant, states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 1515 K Street, Suite 511, Sacramento, California 95814.

On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: September 18, 1987

Subject: LIMITS ON TORT CLAIMS AND ATTORNEY FEES.  
CONSTITUTIONAL AMENDMENT AND INITIATIVE STATUTE.  
Our File No.: SA87RF0017


Name of Proponent(s) and Address(es):

KIRK WEST  
California Chamber of Commerce  
P.O. Box 1736  
Sacramento, CA 95808

GENE LIVINGSTON  
Assn. for California Tort Reform  
1130 K Street, Suite 250  
Sacramento, CA 95814

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California on September 18, 1987.

  
\_\_\_\_\_  
Carol A. Clanton  
Declarant

(4)

LAW OFFICES OF  
NIELSEN, HODGSON, PARRINELLO & MUELLER

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION

SAN FRANCISCO

1030 FIFTEENTH STREET, SUITE 2500

250 CALIFORNIA STREET, SUITE 2500  
SAN FRANCISCO, CALIFORNIA 94102  
TELEPHONE (415) 959-5800

SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 442-6782

FILE NUMBER

July 2, 1987

Mr. Paul Dobson  
Supervising Deputy Attorney General  
1515 K Street, 6th Floor  
Sacramento, CA 95814

Re: Fair Liability Act of 1988

Dear Mr. Dobson:

Pursuant to your request, I am submitting the following addresses to facilitate the verification of the voter registration rolls for the above-referenced initiative.

Mr. Gene Livingston  
636 Jerome Street  
Davis, CA 95616

Mr. Donald K. West  
9345 Winding Oak Drive  
Fair Oaks, CA 95628

If you have any further questions, please contact me.

Sincerely,

  
G. LEWIS CHARTRAND, JR.

GLC:tm

July 1, 1987

Honorable John Van de Kamp  
Attorney General of California  
1515 K Street  
Sacramento, California 95814


Attention: Paul Dobson,  
Supervising Deputy Attorney General

Dear Attorney General Van de Kamp:

As one of two proponents, I am submitting for preparation of title and summary a proposed statutory initiative entitled the "Fair Liability Act of 1988."

Please find enclosed a check in the amount of two hundred dollars (\$200.00). I am a registered voter in Yolo County. If you have any questions, please contact me at the above address.

Very truly yours,



GENE LIVINGSTON

GL:lfs  
enclosure

lvand0701.act



Kirk West  
President

California Chamber of Commerce

July 1, 1987

The Honorable John Van de Kamp  
Attorney General for California  
1515 K Street  
Sacramento, California 95814

Attention: Paul Dobson, Supervising Deputy Attorney General

Dear Attorney General Van de Kamp:

As one of two proponents, I am submitting for preparation of a title and summary a proposed statutory initiative entitled "Fair Liability Act of 1988." I am a registered voter in Sacramento County.

If you have any questions, please contact me at the above address.

Very truly yours,

  
Kirk West

KW:jmc

Enclosure



7 407



Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

Elections Division  
(916) 445-0820  
TDD: (800) 833-8683

(Date) 9/11/87

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT(S) 774

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

e

Circulating and Filing Schedule

1. Minimum number of signatures required.....(372,178)(595,485)  
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date..... FRIDAY, 9/11/87  
Elec. C., Sec. 3513.
3. Petition Sections:
  - a. First day Proponent can circulate Sections for  
signatures..... FRIDAY, 9/11/87  
Elec. C., Sec. 3513.
  - b. Last day Proponent can circulate and file with  
the county. All Sections are to be filed at  
the same time within each  
county..... DECEMBER 2/10/88\*  
Elec. C., Secs. 3513, 3520(a).
  - c. Last day for county to determine total number  
of signatures affixed to petition and to  
transmit total to the Secretary of State..... TUESDAY, 12/14/87

2/14/88 (If the Proponent(s) files the petition with the county on a date prior to 2/14/88, the county has five working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

\* Date adjusted for official deadline which falls on (Saturday)-(Sunday)(a holiday.) Elec. C., Sec. 60.

+ PLEASE NOTE: To the Proponent who may wish to qualify for the ( )  
(.) The law allows approximately 67 days for county election officials to check and report petition signatures and transmit results. The law also requires that this process be completed 131 days before the election in which the people will vote on the initiative. It is possible that the county may not need precisely 67 days. But if you want to be sure that this initiative qualifies for the ( ), you should file this petition with the county before ( ).

- d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties.....

TUESDAY, 2/7/88

- e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State.....

Wednesday, 3/6/88

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than e, the last day is not later than the fifteenth day after the county's receipt of notification.)  
Elec. C., Sec. 3520(d), (e).

4/23/88

- f. If the signature count is more than (409,395)(655,033) or less than (334,961)(535,937), then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between (334,961)(535,937) and (409,395)(655,033) inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures.....

Thursday, 3/24/88

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State.....

Friday, 4/23/88

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than e, the last day is not later than the thirtieth day after county's receipt of notification.)  
Elec. C., Sec. 3521(b), (c).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient.....

Tuesday, 4/26/88

\*\*Date varies based on receipt of county certification.

(TITLE)

(DATE)

Page 3

4. Campaign Statements:

Last day to file a campaign statement of receipts  
and expenditures for period ending \_\_\_\_\_

(If the Secretary of State finds that the measure has  
either qualified or failed to qualify on a date earlier  
than \_\_\_\_\_, the last date to file is the 35th calendar  
day after the deadline for filing petitions or the date  
of notification by the Secretary of State that the  
measure has either qualified or failed to qualify, whichever  
is earlier. The closing date for the campaign statement  
is seven days prior to the filing deadline.)  
Gov. C., Secs. 84200(d), 84202(j).

5. The Proponent(s) of the above named measure (is/are):

(NAME)

(ADDRESS)

(CITY, STATE ZIP CODE)

(PHONE)

Sincerely,

DEBORAH SEILER

Assistant to the Secretary of State  
Elections and Political Reform

NOTE TO PROPONENT(S): Your attention is directed to Elections Code  
Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate  
format and type considerations in printing, typing, and otherwise preparing  
your initiative petition for circulation and signatures. Your attention  
is further directed to the campaign disclosure requirements of the  
Political Reform Act of 1974, Government Code Section 81000 et seq.

# INITIATIVE CHECK LIST

Phone Notification from AG - Date/Time: 9/18/87 - 10:30

Title of Initiative: LIMIT ON TORT CLAIMS and ATTORNEY FEES

Type of Initiative: CA S ☒ CA and S

Number of Pages 12 Number of Proponents 2

Date and Time Initiative will be ready for pick-up 9/18/87 - 10:30

Initial/Date/Time

1. da 19/18/10:30 OSSI informs Deborah/David/Barbara/Caren and Don day and time initiative will be ready for pick-up.
2. da 19/18/10:40 OSSI gives check list to Word Processing Technician to prepare calendar.
3. da 19/18/11:55 Word Processing Technician prepares and proofs calendar and log and returns both to OSSI.
4. da 19/18/11:55 OSSI proofs calendar and log and gives to Elections Chief for review.
5. BC 19/18/11:40 Elections Analyst reviews and has Elections Chief sign. Elections Analyst returns signed calendar to OSSI.
6. da 19/18/12:45 OSSI makes copies of initiative calendar for each proponent.
7. da 19/18/13:35 OSSI attaches copy of Political Reform Act of 1974 Requirements to proponent's copy of initiative calendar.
8. da 19/18/13:37 OSSI prepares Mail/Freight Request Form. OSSI hand carries Mail/Freight Request form and initiative calendar for each proponent (ready for mailing) to Service and Supply. Initiative calendar sent on 9/18/87 to each proponent.  
Date

(This must be sent to each proponent same day AG prepares Title and Summary).

9. da 19/18/14:30 OSSI advises Assistant Chief when initiative calendar is sent to proponent(s).

# INITIATIVE CALENDAR CHECK LIST

Page two

10. da 19/11 2:50 OSSI distributes copies of initiative calendar same day AG prepares Title and Summary to:

✓ Tony  
✓ Caren  
✓ Jerry  
✓ Deborah  
✓ Barbara

11. <sup>9/23</sup>  
da 19/24 1:50 OSSI distributes copies of initiative calendar to:

✓ All CC/ROV  
✓ Political Reform (3 copies)  
✓ Elections Staff  
✓ LA Office via LA Pouch -  
J.R. Schultz (12 copies)  
✓ Initiative mailing list  
✓ Extra copies for public  
distribution  
✓ Master copy

12. <sup>9/23 2:00</sup>  
da 19/24 5:00 OSSI advises Assistant Chief of completion of above distribution.

13. da 19/23 2:15 OSSI makes copies of log and distributes as follows:

1. Initiative canvass binder
2. Ron Wong - FTB
3. Joe Samora - Archives

14. da 19/21 9:45 OSSI prepares folder for public distribution.

15. da 19/22 9:45 OSSI prepares index cards for each initiative.

16. da 19/18 3:37 OSSI staples Mail/Freight Request form to back of INITIATIVE CHECK LIST.

17. da 19/24 9:45 OSSI returns completed INITIATIVE CHECK LIST to Assistant Chief.

18. \$ 19/24 10:05 Assistant Chief returns check list to Election Analyst.



*Barbara Lee 401*

# NEWS RELEASE

from: Secretary of State March Fong Eu  
1230 J Street, Sacramento, CA 95814  
(916) 445-6375

For Immediate Release  
September 21, 1987

Contact: Caren Daniels-Meade  
or Melissa Warren

## SECOND TORT REFORM INITIATIVE LAUNCHED REPORTS EU

SACRAMENTO — Secretary of State March Fong Eu today (Sept. 21) announced that she has given the proponents of a far-reaching initiative to place a limit on tort claims and attorney fees the go-ahead to begin gathering signatures.

The "Limits on Tort Claims and Attorney Fees," a proposed constitutional amendment and statutory initiative, is sponsored by Kirk West, telephone (916) 444-6670, and Gene Livingston, telephone (916) 442-1111, both of Sacramento. West and Livingston are also behind another initiative currently in circulation dealing with tort and attorney fee reform, but the earlier drive is more limited in scope than this new proposal.

The new initiative, requiring 595,485 registered voter signatures by Feb. 16, would "limit attorney contingency fees for tort claim recoveries, reduce some recoveries by net amount of benefits received from 'collateral' sources like health insurance, and require proof beyond reasonable doubt for punitive damages." It would further "limit liability of manufacturers and sellers of products having inherent and recognizable, unsafe aspects, and limit liability of volunteer directors of nonprofit, public service corporations, with exceptions." It would also "require 2/3 vote of Legislature to amend the measure" and "amends Constitution to require" a 2/3 vote of the Legislature "to amend certain other laws regulating medical malpractice attorney fees and recoveries," among other items.

While proponents legally have until Feb. 16 to collect signatures, as noted above, if they use the full time period they would not have their measure on the ballot until November 1988. The suggested signature submission deadline for measures headed for the June 1988 ballot is Nov. 19.

(over)

EU — Page 2.

With the official close of the "Streets and Highway Funding" initiative drive, which had been dropped early in the circulation period, this brings to 16 the number of initiatives in circulation; the deadline for signature submissions on the "Families" initiative is today.

A copy of the title and summary, text and circulation calendar is attached for your reference.

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